

HB 2759 A STAFF MEASURE SUMMARY

Carrier: Rep. Holvey

House Committee On Business and Labor**Action Date:** 03/20/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-5-0-0**Yeas:** 6 - Grayber, Holvey, Hudson, Nelson, Nosse, Sosa**Nays:** 5 - Boshart Davis, Elmer, Osborne, Owens, Scharf**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Erin Seiler, LPRO Analyst**Meeting Dates:** 2/6, 3/20**WHAT THE MEASURE DOES:**

Provides that person is liable for loss and subject to penalty, if they know or consciously avoid knowing that another person is engaging in act or practice that violates laws regulating telephone solicitations or use of automatic dialing and announcing devices and nonetheless provides substantial assistance or support. Telecommunications utility when operating as common carrier or person that enables another person to complete voice communication by means of network that person operates and on which voice communication terminates are not liable for any loss or subject to any penalty for violation. Establishes that violation is unlawful practice under Unlawful Trade Practices Act. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Federal Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act
- “Stir/Shaken” technology
- Current laws prohibiting calling someone on do-not-call list or to make scam robocalls
- Frequency and cost of illegal robocalls
- Alignment between federal and state laws
- Ability of telecommunication company to know communication traffic is illegal
- Private right of action

EFFECT OF AMENDMENT:

Removes "telecommunication company" as liable for any loss or subject to any penalty for violation of anti-robocal statutes. Telecommunications utility when operating as a common carrier or person that enables another person to complete a voice communication by means of a network that the person operates and on which the voice communication terminates are not liable for any loss or subject to any penalty for violation. Defines "telecommunications service" and "telecommunications utility."

BACKGROUND:

Oregon’s anti-robocall statutes, ORS 646.569 and ORS 646A.374, prohibit calling someone on a do-not-call list and making scam robocalls. It is common for robocalls to originate outside the United States, using gateway providers and intermediate telemarketing providers to reach consumers. As a result, it is difficult to enforce current law when violations occur.

House Bill 2759 A amends anti-robocall statutes to person who knows or consciously avoids knowing, that another person is engaging in a practice that violates anti-robocall statute, liable for any loss and subject to any penalty for the violation to the same extent as the person that engaged in the act.